

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ALEX ADAMS, #1181239,

Plaintiff,

v.

WARDEN GRACIA, et al.,

Defendants.

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Case No. 6:22-cv-63-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Alex Adams, a Texas Department of Criminal Justice inmate proceeding pro se, brings this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636.

Although Plaintiff moved to proceed *in forma pauperis* in this case, Docket No. 2, his prison trust account records indicated sufficient funds to pay the \$402 filing fee for this suit, Docket No. 4. Accordingly, Judge Mitchell ordered Plaintiff to pay the full filing fee by May 31, 2022. Docket No. 6. After Plaintiff failed to comply with the Order, Judge Mitchell issued a Report recommending that the Court dismiss Plaintiff's case for failure to obey an order of the court. Docket No. 14. Plaintiff simultaneously filed objections to the Report, Docket No. 15, and a notice of appeal to the United States Court of Appeals for the Fifth Circuit, Docket No. 16. The Fifth Circuit dismissed Plaintiff's appeal for want of prosecution on January 23, 2023.


Cause No. 22-40633. Upon dismissal of the appeal, the Court now considers Plaintiff's objections to Judge Mitchell's Report.

Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

In his objections, Plaintiff complains that he is required to pay a filing fee in each of his ten federal lawsuits. He further contends that the Court should withdraw small installments from his funds rather than requiring the payment of a full filing fee. Plaintiff does not, however, attack the factual findings or legal conclusions of the Report. *See* Docket No. 15.

Having conducted a de novo review of the record in this case and the Magistrate Judge's Report, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff's objections are without merit. Accordingly, the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 14) as the opinion of the District Court. Plaintiff's claims are **DISMISSED** without prejudice for failure to obey an order of the Court.

So **ORDERED** and **SIGNED** this **25th** day of **January, 2023**.


JEREMY D. KERNODLE
2 UNITED STATES DISTRICT JUDGE